

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 2:83-cr-00013-JPH-CMM
)	
STEVEN A. MEDINA,)	-01
)	
Defendant.)	

Order Denying Motion for Appointment of Counsel

Defendant has requested the appointment of counsel to assist him with the filing of a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Dkts. 2, 4. Defendant states that he is unable to afford counsel, and he intends to seek a reduction in his sentence based upon a combination of extraordinary and compelling reasons.

There is no statutory authority requiring the Court to appoint defense counsel when pursuing a compassionate release motion. *See United States v. Blake*, 986 F.3d 756 (7th Cir. 2021). Accordingly, Defendant's request for the appointment of the federal public defender's office is denied.

The Court also finds that Defendant is not entitled to the appointment of pro bono counsel. When addressing a request for pro bono counsel, "the district court is to make the following inquiries: (1) has the indigent plaintiff made a reasonable attempt to obtain counsel or been effectively precluded from doing so; and if so, (2) given the difficulty of the case, does the plaintiff appear competent to litigate it himself?" *Eagan v. Dempsey*, 987 F.3d 667, 682 (7th Cir. 2021) (cleaned up).

The first question, whether litigants have made a reasonable attempt to secure private counsel on their own, "is a mandatory, threshold inquiry that must be determined before moving

to the second inquiry." *Eagan*, 987 F.3d at 682; *see also Thomas v. Anderson*, 912 F.3d 971, 978 (7th Cir. 2019) (because plaintiff did not show that he tried to obtain counsel on his own or that he was precluded from doing so, the judge's denial of these requests was not an abuse of discretion). Defendant has not indicated whether he has attempted to contact any attorneys with requests for representation. Accordingly, the Court finds that he has not made a reasonable effort to recruit counsel on his own before seeking the Court's assistance. *See Thomas*, 912 F.3d at 978. His requests for the appointment of counsel, dks. [2] and [4] are therefore **denied**.

SO ORDERED.

Date: 4/25/2023



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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